

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ENLUND ROMERO,

Plaintiff,

v.

CIV 1:23-0559 JCH/DLM

MARTIN O'MALLEY,¹
Commissioner of Social Security,

Defendant.

**ORDER ADOPTING PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on United States Magistrate Judge Damian L. Martínez's Proposed Findings and Recommended Disposition (PFRD) filed May 2, 2024. (Doc. 29.) Judge Martínez finds that Plaintiff Enlund Romero fails to demonstrate harmful error in the ALJ's failure to consider an April 22, 2015 MRI of the lumbar spine or to properly assess the opinion of treating physician Julie Muche, M.D. (*Id.* at 13.) Judge Martínez also finds that substantial evidence supports the ALJ's findings and conclusions regarding Romero's allegations of pain. (*Id.*) Accordingly, Judge Martínez recommends denying the motion to remand.

The PFRD notified the parties of their ability to file objections no later than 14 days after the PFRD was filed. (*Id.*) As no party filed objections within the time allowed, the Court concludes that appellate review has been waived.

¹ Martin O'Malley is now the Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley is substituted as defendant in this suit.

IT IS THEREFORE ORDERED that the PFRD (Doc. 29) is **ADOPTED** and Romero's Motion to Reverse and Remand (Doc. 19) is **DENIED**.



SENIOR UNITED STATES DISTRICT JUDGE